

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3545 of 2016

- Smt Geeta Dewangan W/O Shri Kamal Dewangan Aged About 45 Years R/O House No. 128, Shivpara, Ward No. 34, Tehsil Durg, Civil & Revenue District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Kesav Dewangan, Advocate

For Respondent/State : Mr. O.P. Sharma, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12-07-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 8-5-2016 in connection with Crime No. 362 of 2016, registered at Police Station Durg, District Durg (CG) for the offence punishable under Sections 147, 148, 149, 302 and 307 of the IPC.
2. As per case of the prosecution, on 7-5-2016 a report was made by the complainant Devendra Devdas that the deceased was assaulted by the applicant and other four co-accused persons by club, knife and stones as a result of which he sustained injuries and died and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that in fact son of the applicant was in the quarrel, the applicant tried to intervene in the dispute and she has been falsely implicated in the case. He would further submit that the charge-sheet has been filed

and she is in jail since 8-5-2016, therefore, she may be released on bail.

4. On the other hand, learned State counsel opposing the prayer for grant of bail would submit that there is sufficient evidence to connect the applicant with the crime in question.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of Teekam Yadav, who is eye-witness to the incident, wherein it has been stated that initially applicant assaulted the deceased by club and thereafter other co-accused persons joined and also assaulted the deceased.
7. Taking into consideration the totality of the circumstances, degree of offence and nature of allegation leveled against the applicant and further considering the statement of eye-witness to the incident, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju